

REMARKS

This application contains claims 1 through 20. Claims 1, 15 and 16 have been amended. New claim 21 has been added.

Claim 1 was amended to provide (1) a vehicle suitable for application to skin and (2) an ingredient selected from the group consisting of: a chelating agent, a film former, a plasticizer, a resin, a retinoid, a skin penetration enhancer, a stabilizer, a sunscreen, a vitamin, a wax, and any combinations thereof.

Claims 15 and 16 were amended to provide that the composition used in practicing the methods of claims 15 and 16 are compositions according to claim 1.

Claims 1 through 20 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,458,976 to Horino et al. (hereinafter Horino et al.).

Horino et al. provides a water and oil repellent coated powder and states that it may be used to produce cosmetics. Horino et al. does not provide any cosmetic composition containing any one of the ingredients selected from the group consisting of: a chelating agent, a film former, a plasticizer, a

resin, a retinoid, a skin penetration enhancer, a stabilizer, a sunscreen, a vitamin, a wax, and any combinations thereof. Thus, claim 1 and claims 2 through 18 and claim 20 that depend therefrom are not anticipated by Horino et al.

With respect to claim 19, claim 19 has an unpigmented fluorosilane. Horino et al. does not disclose an unpigmented cosmetic composition having a fluorosilane. Thus, claim 19 is not anticipated by Horino et al.

Therefore, the rejection of claims 1 through 20 under 35 U.S.C. §102(b) as being anticipated by Horino et al. should be withdrawn, and claims 1 through 20 should be allowed.

Claims 1 through 8, 12, 16 and 20 have been rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. JP 08208418 A to Itou et al. (hereinafter Itou et al.).

Itou et al. discloses a water-based manicure, which is a composition for application onto a nail. The water-based manicure disclosed by Itou et al. is not a cosmetic composition having a vehicle suitable for application to skin. In addition, Itou et al. does not disclose such a composition having an ingredient selected from the group consisting of: a chelating agent, a film former, a plasticizer, a resin, a retinoid, a skin

penetration enhancer, a stabilizer, a sunscreen, a vitamin, a wax, and any combinations thereof. Accordingly, claims 1 through 8, 12, 16 and 20 are not anticipated by Itou et al.

Therefore, the rejection of claims 1 through 8, 12, 16 and 20 under 35 U.S.C. §102(b) as being anticipated by Itou et al. should be withdrawn, and claims 1 through 8, 12, 16 and 20 should be allowed.

Claims 1 through 6, 16 and 18 have been rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. JP 02202941 A to Nishihara et al. (hereinafter Nishihara et al.).

Nishihara et al. discloses a fluoro-resin coating composition having a pigment coated with fluorosilane. In contrast, the compositions of claims 1 through 6, 16 and 18 are cosmetic compositions for application to skin that include an ingredient selected from the group consisting of: a chelating agent, a film former, a plasticizer, a resin, a retinoid, a skin penetration enhancer, a stabilizer, a sunscreen, a vitamin, a wax, and any combinations thereof. Accordingly, claims 1 through 8, 12, 16 and 20 are not anticipated by Nishihara et al. Nishihara et al. does not disclose all the features of claims 1 through 6, 16 and 18. Thus, claims 1 through 6, 16 and 18 are not anticipated by Nishihara et al.

Therefore, the rejection of claims 1 through 6, 16 and 18 under 35 U.S.C. §102(b) as being anticipated by Nishihara et al. should be withdrawn, and claims 1 through 6, 16 and 18 should be allowed.

Claims 1 through 6, 8, and 14 through 20 have been rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. JP 01160907 A to Horino and Itou (hereinafter Horino/Itou).

The Horino/Itou reference discloses a make-up cosmetic containing an inorganic powder base that is coated with a fluorosilane and a reactive auxiliary.

The Horino/Itou reference does not disclose all the features in claims 1 through 6, 8, and 14 through 20. Specifically, the Horino/Itou reference does not disclose cosmetic skin compositions containing fluorosilane coated particulates, a vehicle suitable for application to the skin and an ingredient selected from the group consisting of: a chelating agent, a film former, a plasticizer, a resin, a retinoid, a skin penetration enhancer, a stabilizer, a sunscreen, a vitamin, a wax, and any combinations thereof. Accordingly, claims 1 through 6, 8, and 14 through 20 are not anticipated by Horino/Itou.

Therefore, the rejection of claims 1 through 6, 8, and 14 through 20 under 35 U.S.C. §102(b) as being anticipated by Horino/Itou should be withdrawn, and claims 1 through 6, 8, and 14 through 20 should be allowed.

Claims 1, 5 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Horino et al. in view of U.S. Patent No. 5,482,547 to Bugnon et al. (hereinafter Bugnon et al.).

Applicants respectfully submit that Bugnon et al. and Horino et al. are not combinable because they belong to non-analogous arts, i.e., cosmetics arts versus paints, such as, alkyd paint, varnish, metal effect finishes and stoving lacquers, or printing inks.

Horino et al. discloses a water and oil repellent coated powder and states that it may be used to produce cosmetics. Horino et al. does not provide any cosmetic composition containing any one of the ingredients selected from the group consisting of: a chelating agent, a film former, a plasticizer, a resin, a retinoid, a skin penetration enhancer, a stabilizer, a sunscreen, a vitamin, a wax, and any combinations thereof. In addition, the Examiner concedes that Horino et al. does not disclose organic pigments.

Bugnon et al. discloses a composition having (a) a high molecular weight material in the form of a paint, varnish or printing ink and (b) an organic pigment. The composition is used for stoving lacquers (see Example 22), particularly automotive lacquers (see column 5, lines 18-21), metal effect finishes (see column 5, lines 20-21), and alkyd paints (see Example 23). There is no disclosure or suggestion in Bugnon et al. that such organic pigments could be used in cosmetics. There is no disclosure or suggestion in Bugnon et al. to modify the paint, varnish or printing ink compositions to make them usable in cosmetics. Thus, a person of ordinary skill in the art would not be motivated to select any ingredient from the paint, varnish or printing ink compositions disclosed by Bugnon et al., which are useful as metal effect finishes, alkyd paints, and stoving lacquers, and use them in the compositions of Horino et al.

Therefore, the rejection of claims 1, 5 and 6 under 35 U.S.C. §103(a) based on Horino et al. and Bugnon et al. should be withdrawn, and claims 1, 5 and 6 should be allowed.

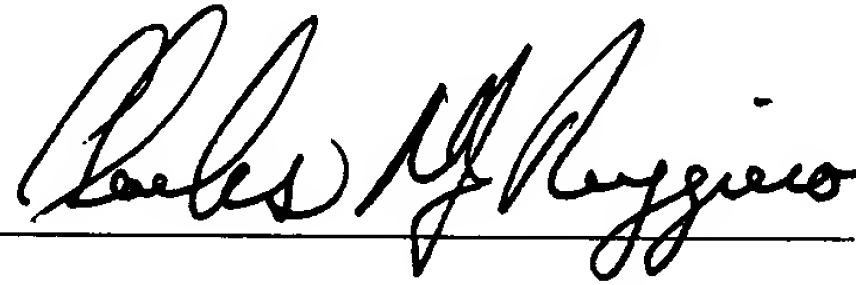
In view of the above amendments, claims 1 through 20, as well as new claim 21, which depends directly from claim 1, clearly define over the cited prior art references and the cited combination of the same. Accordingly, allowance of claims 1

through 21 is respectfully requested and an early issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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By:

A handwritten signature in cursive script, appearing to read "Charles N. J. Ruggiero", written over a horizontal line.

Charles N. J. Ruggiero
Reg. No. 28,468
Attorney for Applicants
Ohlandt, Greeley, Ruggiero
& Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford CT 06901-2682
Tel: 203-327-4500